



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of
Muller, et. al.

Group Art Unit: 1615

U.S. Serial No.: 10/030,417

Examiner: Berko, Retford O.

Filed: January 10, 2002

For: METHOD FOR CONTROLLED PRODUCTION OF ULTRAFINE
MICROPARTICLES AND NANPARTICLES

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December 12, 2005

RESPONSE TO OFFICE ACTION MAILED JUNE 16, 2005

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Sir:

This is in response to the Office Action mailed June 16, 2005. Please consider this paper a petition for a three month extension of time.

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-20 and 22-45 are pending in the application.

The rejection of claims 1-4, 7, 10, 11, 13, 15, 22 and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,858,410 (Muller) is respectfully traversed. The claimed invention is not anticipated by Muller for the reasons of record and for the following reasons.

The Examiner cites the abstract and col. 20, lines 23 to 30 of Muller. However, this disclosure does not anticipate the present invention for the following reasons. Muller is also a named inventor of the present invention.

Arguments in Response to Abstract of Muller

Applicants respectfully submit that the wording in the abstract should be carefully and correctly read. The abstract describes only the solubility properties of the carrier disclosed in Muller. According to the wording the carrier (or active ingredient, respectively) is "insoluble in water, aqueous media and/or organic